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July 26, 2019

Via ECF

Hon. Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: Benjamin v. Brann
75 CV 3073 (LAP)
Heat Motions

Dear Judge Preska:

On behalf of defendants in the above-captioned action, I write to supplement my letter to the Court, dated July 24, 2019, describing the Department of Correction's response to the weekend's heat wave.

Following the receipt of my letter, Plaintiffs' counsel raised questions concerning whether two of the specified ameliorative efforts affected the ESH population. After further discussion with my client, I wish to clarify the following assertions:

- Inmates housed in ESH were also provided with standard ameliorative measures both during their 7 hour lock-out time and their lock-in times, and individual cells also had sinks with running water. In anticipation of the heat wave, the Deputy Warden overseeing ESH issued a Memorandum on July 19, 2019, requiring that ice and water be available upon request, and that inmates be allowed to take showers "as frequently as necessary." A copy of ESH Memorandum #19/19 is attached as Exh. "A."

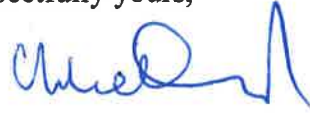
Inmates housed in ESH have access to ice and water at all times upon request. Inmates classified as ESH level 1 have access to showers only during their lock-in period and with an escort. Inmates classified as level 2 and 3 have access to showers during their lock-out periods, but not after they have been locked in.

- *On Sunday, the 3:00 p.m. lock-in was suspended Department-wide.*

The 3:00 p.m. lock-in is part of a general scheduling protocol that does not apply to ESH inmates, and it was not my intention to suggest otherwise.

I regret any confusion occasioned by my lack of clarity.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Chlarens Orsland', with a stylized flourish at the end.

Chlarens Orsland
Assistant Corporation Counsel

c: Counsel of record
Via ECF